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Crime prevention and criminal justice

Strengthening crime prevention and criminal justice responses to violence against women

Note by the Secretariat

By its resolution 2010/15 of 22 July 2010, the Economic and Social Council recommended to the General Assembly the adoption of the following draft resolution:

Strengthening crime prevention and criminal justice responses to violence against women

The General Assembly,

Reaffirming the Declaration on the Elimination of Violence against Women[1] and the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women,[2] and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women,

Reaffirming also the Programme of Action of the International Conference on Population and Development,[3] as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender, equality, development and peace for the twenty-first century",[4] and the declarations adopted at the forty-ninth and fifty-fourth sessions of the Commission on the Status of Women,[5]

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[1] Resolution 48/104.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] Resolution S-23/2, annex, and resolution S-23/3, annex.

[5] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. A; see also Economic and Social Council decision 2005/232.

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Recognizing that the term "women", except where otherwise specified, encompasses "girl children",

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women[6] and other international human rights instruments and that its elimination is an integral part of efforts towards the elimination of all forms of violence against women,

Stressing that States have the obligation to promote and protect all human rights and fundamental freedoms for all, including women and girls, and must exercise due diligence to prevent and investigate acts of violence against women and girls and punish the perpetrators, eliminate impunity and provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,

Emphasizing the importance of preventing violence against migrant women through the implementation, inter alia, of measures aimed at combating racism, xenophobia and related forms of intolerance,

Deeply concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the targeting or particular vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows, women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and women victims of commercial sexual exploitation,

Greatly concerned that some groups of women, such as migrant women, refugees and women in detention, in situations of armed conflict or in territories under occupation, might be more vulnerable to violence,

Recognizing that women's poverty and lack of empowerment, as well as their marginalization resulting from their exclusion from social policies and from the benefits of sustained development, can place them at increased risk of violence and that violence against women impedes the social and economic development of communities and States, as well as the achievement of the internationally agreed development goals, including the Millennium Development Goals,

Reaffirming its resolution 52/86 of 12 December 1997, in which it adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

Recalling its resolutions 61/143 of 19 December 2006, 62/133 of 18 December 2007, 63/155 of 18 December 2008 and 64/137 of 18 December

[6] United Nations, *Treaty Series*, vol. 1249, No. 20378.

2009 on the intensification of efforts to eliminate all forms of violence against women,

Recalling also the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[7] adopted at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, in which Governments recognized that comprehensive crime prevention strategies could significantly reduce crime and victimization and urged that such strategies be developed at the local, national and international levels and that they, inter alia, take into account the Guidelines for the Prevention of Crime,[8] and emphasized the importance of promoting the interests of victims of crime, including taking account of their gender,

Taking note of Human Rights Council resolution 11/2 of 17 June 2009, entitled "Accelerating efforts to eliminate all forms of violence against women",

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,[9] as well as the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

Expressing deep concern about the pervasiveness of violence against women in all its forms and manifestations worldwide, and reiterating the need to intensify efforts to address that challenge,

Recognizing that effective and integrated criminal justice responses to violence against women require close cooperation among all key stakeholders, including law enforcement officials, prosecutors, judges, victim advocates, health professionals and forensic scientists,

Stressing the importance of a comprehensive, well-coordinated, effective and adequately resourced response by the United Nations system to all forms of violence against women,

Recalling the joint dialogue of the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice on addressing violence against women through legal reform, held in New York on 4 March 2009 in the framework of the fifty-third session of the Commission on the Status of Women,

Recalling also Commission on Crime Prevention and Criminal Justice decision 17/1 of 18 April 2008, in which the Commission requested the United Nations Office on Drugs and Crime to convene an intergovernmental group of experts with equitable geographical representation, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, the Commission on the Status of Women and the Special Rapporteur on violence against women, its causes and consequences, to review and update, as appropriate, the Model Strategies and Practical Measures on the

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[7] Resolution 60/177, annex.

[8] Economic and Social Council resolution 2002/13, annex.

[9] United Nations, *Treaty Series*, vol. 2187, No. 38544.

Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

1. *Strongly condemns* all acts of violence against women, whether those acts are perpetrated by the State, by private persons or by non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State;

2. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

3. *Takes note with appreciation* of the work done at the meeting of the intergovernmental expert group to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, held in Bangkok from 23 to 25 March 2009;[10]

4. *Adopts* the guidelines in the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution;[11]

5. *Urges* Member States to end impunity for violence against women by investigating, prosecuting with due process and punishing all perpetrators, by ensuring that women have equal protection under the law and equal access to justice and by holding up to public scrutiny and countering those attitudes that foster, justify or tolerate any form of violence against women;

6. *Also urges* Member States to enhance their mechanisms and procedures for protecting victims of violence against women in the criminal justice system, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[12] and to provide to that end specialized counselling and assistance;

7. *Calls upon* Member States to advance effective crime prevention and criminal justice strategies that address violence against women, including strategies aimed at preventing revictimization by, inter alia, removing barriers that prevent victims from seeking safety, including barriers related to custody of children, access to shelter and availability of legal assistance;

8. *Also calls upon* Member States to develop and implement crime prevention policies and programmes to promote the safety of women in the home and in society at large in a manner that reflects the realities of women's lives and addresses their distinct needs, taking into account, inter alia, the Guidelines for the Prevention of Crime[13] and the important contribution that

[10] E/CN.15/2010/2.

[11] See *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30), para. 150.

[12] Resolution 40/34, annex.

[13] Economic and Social Council resolution 2002/13, annex.

educational and public awareness-raising initiatives provide to the promotion of the safety of women;

9. *Urges* Member States to evaluate and review their legislation and legal principles, procedures, policies, programmes and practices relating to crime prevention and criminal justice matters, in a manner consistent with their legal systems and drawing upon the updated Model Strategies and Practical Measures, to determine if they are adequate to prevent and eliminate violence against women or if they have a negative impact on women and, if they do, to modify them in order to ensure that women enjoy fair and equal treatment;

10. *Also urges* Member States to take into account the special needs and vulnerabilities of women within the criminal justice system, especially women in detention, pregnant inmates and women with children born in detention, including through the development of policies and programmes to address such needs, taking into account relevant international standards and norms;

11. *Further urges* Member States to recognize the needs and special vulnerabilities of women and children in situations of armed conflict and in post-conflict situations, migrant women, refugee women and women subject to forms of violence because of their nationality, ethnicity, religion or language;

12. *Urges* Member States to provide appropriate assistance to women victims of violence, including by ensuring that those women have access to adequate legal representation where appropriate, in particular so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law;

13. *Invites* Member States to establish a multidisciplinary, coordinated response to sexual assault that includes specially trained police, prosecutors, judges, forensic examiners and victim support services to contribute to the well-being of the victim and increase the likelihood of the successful apprehension, prosecution and conviction of the offender and to prevent revictimization;

14. *Encourages* Member States to design and support programmes to empower women, both politically and economically, in order to assist in preventing violence against women, in particular through their participation in decision-making processes;

15. *Calls upon* Member States to set up and strengthen mechanisms for the systematic collection of data on violence against women with a view to assessing the scope and prevalence of such violence and to guiding the design, implementation and funding of effective crime prevention and criminal justice responses;

16. *Urges* Member States and the United Nations system to give attention to, and encourages greater international cooperation in, systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and other relevant information, on the extent, nature and consequences of violence against women and on the impact and effectiveness of policies and programmes for combating violence, and, in that context, welcomes the establishment of the Secretary-General's coordinated

database on violence against women,[14] and urges Member States and the United Nations system to regularly provide information for inclusion in the database;

17. *Calls upon* the United Nations Office on Drugs and Crime to support national efforts to promote the empowerment of women and gender equality in order to enhance national efforts to eliminate violence against women, including by strengthening throughout its programme of work its crime prevention and criminal justice efforts in response to violence against women;

18. *Urges* the United Nations Office on Drugs and Crime and Member States and invites the institutes of the United Nations crime prevention and criminal justice programme network to continue to offer training and capacity-building opportunities, in particular for practitioners working in the area of crime prevention and criminal justice and providers of support services to victims of violence against women, and to make available and disseminate information on successful intervention models, preventive programmes and other practices;

19. *Requests* the United Nations Office on Drugs and Crime to intensify its efforts to ensure the widest possible use and dissemination of the updated Model Strategies and Practical Measures, including through the development or revision of relevant tools, such as handbooks, training manuals, programmes and modules, including online capacity-building modules for each section of the updated Model Strategies and Practical Measures, as an efficient and practical way to disseminate the relevant content, and invites Member States and other donors to provide extrabudgetary contributions for that purpose, in accordance with the rules and procedures of the United Nations;

20. *Invites* the United Nations Office on Drugs and Crime to strengthen coordination in its activities in the area of violence against women with other relevant entities of the United Nations system, particularly the United Nations Development Fund for Women, the Division for the Advancement of Women of the Secretariat, the United Nations Children's Fund, the United Nations Population Fund and the Office of the United Nations High Commissioner for Human Rights, and the Special Rapporteur on violence against women, its causes and consequences, as well as other relevant intergovernmental and non-governmental organizations, so as to make efficient use of the financial, technical, material and human resources in the application of the updated Model Strategies and Practical Measures;

21. *Also invites* the United Nations Office on Drugs and Crime to cooperate with the Department of Peacekeeping Operations of the Secretariat in the development of training material based on the updated Model Strategies and Practical Measures for military, police and civilian personnel of peacekeeping and peacebuilding operations;

22. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the implementation of the present resolution.

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[14] Available from www.un.org/esa/vawdatabase.

Annex

Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

Preamble

1. The multifaceted nature of violence against women necessitates different strategies to respond to the diverse manifestations of violence and the various settings in which it occurs, both in private and public life, whether committed in the home, the workplace, educational and training institutions, the community or society, in custody or in situations of armed conflict or natural disaster. In the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, the importance of adopting a systematic, comprehensive, coordinated, multisectoral and sustained approach to fighting violence against women is recognized. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to address violence against women. Except where otherwise specified, the term "women" encompasses "girl children".

2. Violence against women exists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality, development and peace. Violence against women is rooted in historically unequal power relations between men and women. All forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and have serious immediate and long-term implications for health, including sexual and reproductive health, for example through increased vulnerability to HIV/AIDS, and public safety, and have a negative impact on the psychological, social and economic development of individuals, families, communities and States.

3. Violence against women is often embedded in and supported by social values, cultural patterns and practices. The criminal justice system and legislators are not immune to such values and thus have not always regarded violence against women with the same seriousness as other types of violence. Therefore, it is important that States strongly condemn all forms of violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligation with respect to its elimination and that the criminal justice system recognize violence against women as a gender-related problem and as an expression of power and inequality.

4. Violence against women is defined in the Declaration on the Elimination of Violence against Women[a] and reiterated in the Platform for Action adopted by the Fourth World Conference on Women[b] to mean any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The updated Model Strategies and Practical Measures build on the measures adopted by Governments in

[a] Resolution 48/104.

[b] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

the Platform for Action, which was adopted in 1995 and subsequently reaffirmed in 2000 and 2005, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice adopted in 1997,[c] and relevant General Assembly resolutions, including Assembly resolutions 61/143 and 63/155, bearing in mind that some groups of women are especially exposed and vulnerable to violence.

5. The updated Model Strategies and Practical Measures specifically acknowledge the need for an active policy of mainstreaming a gender perspective in all policies, programmes and practices to ensure gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in all areas of decision-making, including those related to the elimination of violence against women. The updated Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[d] the Convention on the Rights of the Child,[e] the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[f] the International Covenant on Civil and Political Rights,[g] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[h] the Rome Statute of the International Criminal Court[i] and the Guidelines for the Prevention of Crime,[j] with a view to furthering their fair and effective implementation. The updated Model Strategies and Practical Measures reaffirm the commitment of States to promote gender equality and empower women with a view to meeting Goal 3 of the Millennium Development Goals.[k]

6. The updated Model Strategies and Practical Measures should be endorsed by national legislation and implemented by Member States and other entities in a manner consistent with the right to equality before the law, while also recognizing that gender equality may sometimes require the adoption of different approaches that acknowledge the different ways in which violence affects women as compared to men. Member States should ensure that women have equal protection under the law and equal access to justice in order to facilitate efforts by Governments to prevent and sanction acts of violence against women through comprehensive and coordinated policies and strategies, and to deal with all forms of violence against women within the criminal justice system.

7. The updated Model Strategies and Practical Measures recognize that crime prevention and criminal justice responses to violence against women must be focused on the needs of victims and empower individual women who are victims of violence. They aim at ensuring that prevention and intervention efforts are made to not only stop and appropriately sanction violence against women, but also restore a sense of dignity and control to the victims of such violence.

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[c] Resolution 52/86, annex.
[d] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[e] Ibid., vol. 1577, No. 27531.
[f] Ibid., vol. 2171, No. 27531.
[g] Ibid., vol. 999, No. 14668.
[h] Ibid., vol. 2237, No. 39574.
[i] Ibid., vol. 2187, No. 38544.
[j] Economic and Social Council resolution 2002/13, annex.
[k] A/56/326, annex.

8. The updated Model Strategies and Practical Measures aim at contributing to de jure and de facto equality between women and men. They do not give preferential treatment to women but aim at ensuring that any inequalities or forms of discrimination that women face in accessing justice, particularly in respect of acts of violence, are redressed.

9. The updated Model Strategies and Practical Measures recognize that sexual violence is an issue of international peace and security, as outlined in Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security, particularly the need for parties to armed conflict to adopt prevention and protection measures in order to end sexual violence.

10. The updated Model Strategies and Practical Measures recognize that some special groups of women are particularly vulnerable to violence, either because of their nationality, ethnicity, religion or language or because they belong to an indigenous group, are migrants, are stateless, are refugees, live in underdeveloped, rural or remote communities, are homeless, are in institutions or in detention, have disabilities, are elderly, are widowed or live in conflict, post-conflict or disaster situations, and as such, require special attention, intervention and protection in the development of crime prevention and criminal justice responses to violence against women.

11. The updated Model Strategies and Practical Measures recognize advances in crime prevention and criminal justice responses to violence against women and the importance of investing in the prevention of violence against women.

12. The updated Model Strategies and Practical Measures recognize that States have the obligation to promote and protect the human rights and fundamental freedoms of all people, including women, and that they must exercise due diligence and take relevant measures to prevent, investigate and punish the perpetrators of violence against women, to eliminate impunity and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of women's human rights and fundamental freedoms.

I. Guiding principles

13. Member States are urged:

(a) To be guided by the overall principle that effective crime prevention and criminal justice responses to violence against women are human rights-based, manage risk and promote victim safety and empowerment while ensuring offender accountability;

(b) To develop mechanisms to ensure a comprehensive, coordinated, systematic and sustained approach for the implementation of the updated Model Strategies and Practical Measures at the national, regional and international levels;

(c) To promote the involvement and participation of all relevant sectors of government and civil society and other stakeholders in the implementation process;

(d) To commit adequate and sustained resources and develop monitoring mechanisms to ensure their effective implementation and oversight;

(e) To take into account in the implementation of the updated Model Strategies and Practical Measures the varying needs of women subjected to violence.

II. Criminal law

14. Member States are urged:

(a) To review, evaluate and update their national laws, policies, codes, procedures, programmes and practices, especially their criminal laws, on an ongoing basis to ensure and guarantee their value, comprehensiveness and effectiveness in eliminating all forms of violence against women and to remove provisions that allow for or condone violence against women or that increase the vulnerability or revictimization of women who have been subject to violence;

(b) To review, evaluate and update their criminal and civil laws in order to ensure that all forms of violence against women are criminalized and prohibited and, if not, to adopt measures to do so, including measures aimed at preventing, protecting, empowering and supporting survivors, adequately punishing perpetrators and ensuring available remedies for victims;

(c) To review, evaluate and update their criminal laws in order to ensure that:

(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;

(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women;

(iii) The laws on sexual violence adequately protect all persons against sexual acts that are not based on the consent of both parties;

(iv) The law protects all children against sexual violence, sexual abuse, commercial sexual exploitation and sexual harassment, including crimes committed through the use of new information technologies, including the Internet;

(v) Harmful traditional practices, including female genital mutilation, in all of their forms, are criminalized as serious offences under the law;

(vi) Trafficking in persons, especially women and girls, is criminalized;

(vii) Individuals who are serving in the armed forces or in United Nations peacekeeping operations are investigated and punished for committing acts of violence against women;

(d) To continually review, evaluate and update their national laws, policies, practices and procedures taking into account all relevant international legal instruments in order to effectively respond to violence against women, including to ensure that such measures complement and are consistent with the criminal justice system's response to such violence and that civil law decisions reached in marital dissolutions, child custody decisions and other family law proceedings for cases involving domestic violence or child abuse adequately safeguard victims and the best interests of children;

(e) To review and, where appropriate, revise, amend or abolish any laws, regulations, policies, practices and customs that discriminate against women or have a discriminatory impact on women, and to ensure that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, in particular the principle of non-discrimination.

III. Criminal procedure

15. Member States are urged to review, evaluate and update their criminal procedures, as appropriate and taking into account all relevant international legal instruments, in order to ensure that:

(a) The police and other law enforcement agencies have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women and to take immediate measures to ensure the safety of victims;

(b) The primary responsibility for initiating investigations and prosecutions lies with the police and prosecution authorities and does not rest with women subjected to violence, regardless of the level or form of violence;

(c) Women subjected to violence are enabled to testify in criminal proceedings through adequate measures that facilitate such testimony by protecting the privacy, identity and dignity of the women; ensure safety during legal proceedings; and avoid "secondary victimization".[1] In jurisdictions where the safety of the victim cannot be guaranteed, refusing to testify should not constitute a criminal or other offence;

(d) Evidentiary rules are non-discriminatory; all relevant evidence can be brought before the court; rules and principles of defence do not discriminate against women; and "honour" or "provocation" cannot be invoked by perpetrators of violence against women to escape criminal responsibility;

(e) The credibility of a complainant in a sexual violence case is understood to be the same as that of a complainant in any other criminal proceeding; the introduction of the complainant's sexual history in both civil and criminal proceedings is prohibited when it is unrelated to the case; and no adverse inference is drawn solely from a delay of any length between the alleged commission of a sexual offence and the reporting thereof;

(f) People who perpetrate acts of violence against women while voluntarily under the influence of alcohol, drugs or other substances are not exempted from criminal responsibility;

(g) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;

(h) Police and courts have the authority to issue and enforce protection and restraining or barring orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile; to issue and enforce child

[1] "Secondary victimization" is victimization that occurs not as a direct result of a criminal act but through the inadequate response of institutions and individuals to the victim.

support and custody orders; and to impose penalties for breaches of those orders. If such powers cannot be granted to the police, measures must be taken to ensure timely access to court decisions in order to ensure swift action by the court. Such protective measures should not be dependent on the initiation of a criminal case;

(i) Comprehensive services and protection measures are taken when necessary to ensure the safety, privacy and dignity of victims and their families at all stages of the criminal justice process, without prejudice to the victim's ability or willingness to participate in an investigation or prosecution, and to protect them from intimidation and retaliation, including by establishing comprehensive witness and victim protection programmes;

(j) Safety risks, including the vulnerability of victims, are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders;

(k) Claims of self-defence by women who have been victims of violence, particularly in cases of battered woman syndrome,[m] are taken into account in investigations, prosecutions and sentences against them;

(l) All procedures and complaint mechanisms are accessible to women who are victims of violence without fear of reprisal or discrimination.

IV. Police, prosecutors and other criminal justice officials

16. Member States are urged, within the framework of their national legal systems, as appropriate and taking into account all relevant international legal instruments:

(a) To ensure that the applicable provisions of laws, policies, procedures, programmes and practices related to violence against women are consistently and effectively implemented by the criminal justice system and supported by relevant regulations as appropriate;

(b) To develop mechanisms to ensure a comprehensive, multidisciplinary, coordinated, systematic and sustained response to violence against women in order to increase the likelihood of successful apprehension, prosecution and conviction of the offender, contribute to the well-being and safety of the victim and prevent secondary victimization;

(c) To promote the use of specialized expertise in the police, among prosecution authorities and in other criminal justice agencies, including through the establishment, where possible, of specialized units or personnel and specialized courts or dedicated court time, and to ensure that all police officers, prosecutors and other criminal justice officials receive regular and institutionalized training to sensitize them to gender and child-related issues and to build their capacity with regard to violence against women;

(d) To promote the development and implementation of appropriate policies among different criminal justice agencies to ensure coordinated, consistent and

[m] Battered woman syndrome is suffered by women who, because of repeated violent acts by an intimate partner, may suffer depression and are unable to take any independent action that would allow them to escape the abuse, including refusing to press charges or to accept offers of support.

effective responses to violence perpetrated against women by personnel within such agencies and to ensure that attitudes of criminal justice officials that foster, justify or tolerate violence against women are held up to public scrutiny and sanction;

(e) To develop and implement policies and appropriate responses regarding the investigation and collection of evidence that take into account the unique needs and perspectives of victims of violence, respect their dignity and integrity, and minimize intrusion into their lives while abiding by standards for the collection of evidence;

(f) To ensure that criminal justice officials and victims' advocates conduct risk assessments that indicate the level or extent of harm victims may be subjected to based on their vulnerability, the threats to which they are exposed, the presence of weapons and other determining factors;

(g) To ensure that laws, policies, procedures and practices pertaining to decisions on the arrest, detention and terms of any form of release of the perpetrator take into account the need for the safety of the victim and others related through family, socially or otherwise and that such procedures also prevent further acts of violence;

(h) To establish a registration system for judicial protection, restraining or barring orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force;

(i) To empower and equip police, prosecutors and other criminal justice officials to respond promptly to incidents of violence against women, including by drawing on a rapid court order where appropriate and by taking measures to ensure the fast and efficient management of cases;

(j) To ensure that the exercise of powers by police, prosecutors and other criminal justice officials is undertaken according to the rule of law and codes of conduct and that such officials are held accountable for any infringement thereof through appropriate oversight and accountability mechanisms;

(k) To ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels;

(l) To provide victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official;

(m) To develop new or improve existing model procedures and resource material and disseminate such procedures and material, to help criminal justice officials to identify, prevent and deal with violence against women, including by assisting and supporting women subjected to violence in a manner that is sensitive and responsive to their needs;

(n) To provide adequate psychological support to police, prosecutors and other criminal justice officials to prevent their vicarious victimization.

V. Sentencing and corrections

17. Recognizing the serious nature of violence against women and the need for crime prevention and criminal justice responses that are commensurate with that severity, Member States are urged, as appropriate:

(a) To review, evaluate and update sentencing policies and procedures in order to ensure that they:

(i) Hold offenders accountable for their acts related to violence against women;

(ii) Denounce and deter violence against women;

(iii) Stop violent behaviour;

(iv) Promote victim and community safety, including by separating the offender from the victim and, if necessary, from society;

(v) Take into account the impact on victims and their family members of sentences imposed on perpetrators;

(vi) Provide sanctions that ensure that the perpetrators of violence against women are sentenced in a manner commensurate with the severity of the offence;

(vii) Provide reparations for harm caused as a result of the violence;

(viii) Promote the rehabilitation of the perpetrator, including by promoting a sense of responsibility in offenders and, where appropriate, reintegrating perpetrators into the community;

(b) To ensure that their national laws take into account specific circumstances as aggravating factors for sentencing purposes, including, for example, repeated violent acts, abuse of a position of trust or authority, perpetration of violence against a spouse or a person in a close relationship with the perpetrator and perpetration of violence against a person under 18 years of age;

(c) To ensure the right of a victim of violence to be notified of the offender's release from detention or imprisonment;

(d) To take into account, in the sentencing process, the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements;

(e) To make available to the courts, through legislation, a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence, and to rehabilitate the perpetrator, as appropriate;

(f) To develop and evaluate treatment and reintegration/rehabilitation programmes for perpetrators of different types of violence against women that prioritize the safety of the victims;

(g) To ensure that judicial and correctional authorities, as appropriate, monitor perpetrators' compliance with any treatment ordered;

(h) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

(i) To provide adequate protection to victims and witnesses of acts of violence before, during and after criminal proceedings.

VI. Victim support and assistance

18. Member States are urged, as appropriate and taking into account all relevant international legal instruments, in particular the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:[n]

(a) To make available to women who have been subjected to violence relevant information on rights, remedies and victim support services and on how to obtain them, in addition to information about their role and opportunities for participating in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings, as well as any orders against the offender;

(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints by providing protection to the victims and advising them that the responsibility for pursuing charges and prosecuting offenders rests with the police and the prosecution;

(c) To take appropriate measures to prevent hardship during the detection, investigation and prosecution process in order to ensure that victims are treated with dignity and respect, whether they participate in the criminal proceedings or not;

(d) To ensure that women subjected to violence have access to prompt and fair redress for the harm that they have suffered as a result of violence, including the right to seek restitution from the offender or compensation from the State;

(e) To provide court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair and timely processing of cases;

(f) To provide efficient and easily accessible procedures for issuing restraining or barring orders to protect women and other victims of violence and for ensuring that victims are not held accountable for breaches of such orders;

(g) To recognize that children who have witnessed violence against their parent or another person with whom they have a close relationship are victims of violence and need protection, care and support;

(h) To ensure that women subjected to violence have full access to the civil and criminal justice systems, including access to free legal aid, where appropriate, court support and interpretation services;

(i) To ensure that women subjected to violence have access to qualified personnel who can provide victim advocacy and support services throughout the entire criminal justice process, as well as access to any other independent support persons;

(j) To ensure that all services and legal remedies available to victims of violence against women are also available to immigrant women, trafficked women, refugee women, stateless women and all other women in need of such assistance, and that specialized services for such women are established, where appropriate;

(k) To refrain from penalizing victims who have been trafficked for having entered the country illegally or for having been involved in unlawful activities that they were forced or compelled to carry out.

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[n] Resolution 40/34, annex.

VII. Health and social services

19. Member States, in cooperation with the private sector, relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation, health services, including counselling and psychological care, legal assistance and other basic needs for women and their children who are victims of violence or who are at risk of becoming victims of violence;

(b) To establish, fund and coordinate services such as toll-free information lines, professional multidisciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

(c) To establish better linkages between health and social services, both public and private, particularly in emergency situations, and criminal justice agencies for the purposes of reporting, recording and responding appropriately to acts of violence against women, while protecting the privacy of women subjected to violence;

(d) To design and sponsor sustainable programmes to prevent and treat alcohol and other substance abuse, given the frequent presence of substance abuse in incidents of violence against women;

(e) To ensure that violent acts and sexual crimes against children are reported to the police and other law enforcement agencies when suspected by the health and social services;

(f) To promote collaboration and coordination among relevant agencies and services, including through the establishment, where possible, of specialized units specifically trained to deal with the complexities and sensitivities of victims involved in cases of violence against women where victims can receive comprehensive assistance, protection and intervention services, including health and social services, legal advice and police assistance;

(g) To ensure that adequate medical, legal and social services sensitive to the needs of victims are in place to enhance the criminal justice management of cases involving violence against women and to encourage the development of specialized health services, including comprehensive, free and confidential forensic examinations by trained health providers and appropriate treatment, including HIV-specific treatment.

VIII. Training

20. Member States, in cooperation with relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To provide for or to encourage mandatory cross-cultural, gender and child-sensitivity training modules for police, criminal justice officials and professionals involved in the criminal justice system on the unacceptability of all forms of violence against women and on their harmful impact and consequences on all those who experience such violence;

(b) To ensure that police, criminal justice officials and other professionals involved in the criminal justice system receive adequate training and continued education on all relevant national laws, policies and programmes, as well as international legal instruments;

(c) To ensure that police, criminal justice officials and other relevant authorities are adequately trained to identify and respond appropriately to the specific needs of women victims of violence, including victims of trafficking; to receive and treat all victims respectfully with a view to avoiding secondary victimization; to handle complaints confidentially; to conduct safety assessments and risk management; and to use and enforce protection orders;

(d) To encourage relevant professional associations to develop enforceable standards of practice and behaviour and codes of conduct that promote justice and gender equality.

IX. Research and evaluation

21. Member States, the institutes of the United Nations crime prevention and criminal justice programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations and professional associations are urged, as appropriate:

(a) To set up and strengthen mechanisms for systematic and coordinated data collection on violence against women;

(b) To develop both modules and dedicated population-based surveys, including crime surveys, for assessing the nature and extent of violence against women;

(c) To collect, analyse and publish data and information, including data and information disaggregated by gender, for use in carrying out needs assessments, taking decisions and developing policy in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women; the causes, risk factors and levels of severity of such violence; and the consequences and impacts of such violence, including on different population subgroups;

(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

(iii) The patterns, trends and indicators of violence against women, women's feelings of insecurity in the public and private spheres and factors that can reduce such feelings of insecurity;

(iv) The relationship between the victim and the offender;

(v) The effect of various types of interventions on the individual offender and on the reduction and elimination of violence against women as a whole;

(vi) The use of weapons and of drugs, alcohol and other substances in cases of violence against women;

(vii) The relationship between victimization or exposure to violence and subsequent violent activity;

(viii) The relationship between the violence experienced by women and women's vulnerability to other types of abuse;

(ix) The consequences of violence on those who witness it, particularly within the family;

(d) To monitor, and publish annual reports on, the number of cases of violence against women reported to the police as well as other criminal justice agencies, including arrest and clearance rates, prosecution and case disposition of the offenders and the prevalence of violence against women; in doing so, use should be made of data derived from population-based surveys. Such reports should disaggregate data by type of violence and include, for example, information on the sex of the perpetrator and his or her relationship to the victim;

(e) To evaluate the efficiency and effectiveness of the criminal justice system in meeting the needs of women subjected to violence, including with regard to the way in which the criminal justice system treats victims and witnesses of acts of violence, the use it makes of different intervention models and the degree to which it cooperates with providers of services to victims and witnesses, as well as to evaluate and assess the impact of current legislation, rules and procedures relating to violence against women;

(f) To evaluate the efficiency and effectiveness of offender treatment, rehabilitation and reintegration programmes, in consultation with relevant stakeholders, including victims and victim service providers;

(g) To be guided by existing ongoing efforts at the international level to develop a set of indicators to measure violence against women and to ensure a multisectoral, coordinated approach to the development, implementation, monitoring and evaluation of data collection initiatives;

(h) To ensure that data on violence against women are collected in a way that respects the confidentiality and human rights of women and does not jeopardize their safety;

(i) To encourage and provide sufficient financial support for research on violence against women.

X. Crime prevention measures

22. Member States and the private sector, relevant non-governmental organizations and professional associations are urged, as appropriate:

(a) To develop and implement relevant and effective public awareness and public education initiatives, as well as school programmes and curricula, that prevent violence against women by promoting respect for human rights, equality, cooperation, mutual respect and shared responsibilities between women and men;

(b) To develop codes of conduct for personnel in public and private entities that prohibit violence against women, including sexual harassment, and include safe complaint and referral procedures;

(c) To develop multidisciplinary and gender-sensitive approaches within public and private entities that seek to prevent violence against women, especially through partnerships between law enforcement officials and services specialized in the protection of women victims of violence;

(d) To develop programmes to assess perceptions of public safety and to develop safety planning, environmental design and management of public space in order to reduce the risk of violence against women;

(e) To set up outreach programmes and provide relevant information to women about gender roles, women's human rights and the social, health, legal and economic aspects of violence against women in order to empower women to protect themselves and their children against all forms of violence;

(f) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote non-violent behaviour and attitudes and respect for equality and the rights of women;

(g) To develop and disseminate, in a manner appropriate to the audience concerned, including in educational institutions at all levels, information and awareness-raising materials on the different forms of violence that are perpetrated against women and the availability of relevant programmes that include information on the relevant provisions of criminal law, the functions of the criminal justice system, the victim support mechanisms that are available and the existing programmes concerning non-violent behaviour and the peaceful resolution of conflicts;

(h) To support all initiatives, including those of non-governmental organizations and other relevant organizations seeking women's equality, to raise public awareness of the issue of violence against women and to contribute to the elimination of such violence;

(i) To facilitate the work at lower levels of government, including among city and local community authorities, to promote an integrated approach that makes use of the range of local services provided by institutions and civil society for the development of preventive strategies and programmes.

23. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights and dignity of women, while discouraging both discrimination and gender stereotyping.

24. Member States and the private sector, relevant non-governmental organizations and professional associations are urged to develop and improve, where appropriate, crime prevention and criminal justice responses to the production, possession and dissemination of games, images and all other materials that depict or glorify acts of violence against women and children, and their impact on the general public's attitude towards women and children, as well as the mental and emotional development of children, particularly through new information technologies, including the Internet.

XI. International cooperation

25. Member States, in cooperation with United Nations bodies and institutes and other relevant organizations, are urged, as appropriate:

(a) To continue exchanging information concerning successful intervention models and preventive programmes in eliminating all forms of violence against

women and to update the resource manual and the compendium on the Model Strategies and Practical Measures, as well as provide information for inclusion in the Secretary-General's database on violence against women;[o]

(b) To cooperate and collaborate at the bilateral, regional and international levels with relevant entities to prevent violence against women; to provide safety, assistance and protection for the victims and witnesses of violence and their family members, as appropriate; and to promote measures to effectively bring perpetrators to justice, through strengthened mechanisms of international cooperation and mutual legal assistance;

(c) To develop provisions providing for the safe and, to the extent possible, voluntary repatriation and reintegration of women victims of violence who have been trafficked or kidnapped across borders;

(d) To contribute and provide support to the United Nations system in its efforts to eliminate all forms of violence against women;

(e) To take appropriate preventive action and to ensure full accountability in cases of sexual exploitation and abuse involving troops and police in United Nations peacekeeping operations.

26. Member States are also urged:

(a) To condemn all acts of violence against women in situations of armed conflict, to recognize them as violations of international human rights, humanitarian law and international criminal law, to call for a particularly effective response to such violations, in particular when they involve murder, systematic rape, sexual slavery and forced pregnancy, and to implement Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security;

(b) To work actively towards universal ratification of or accession to all relevant treaties and to promote their full implementation, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol,[p] the Rome Statute of the International Criminal Court, the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(c) To formulate any reservations to the Convention on the Elimination of All Forms of Discrimination against Women in a manner that is as precise and as narrow as possible and to ensure that any such reservations are not incompatible with the object and purpose of that Convention;

(d) To work actively towards the ratification of or accession to existing regional instruments and agreements aimed at combating violence against women, and to promote their implementation;

(e) To include in periodic reports to the Committee on the Elimination of Discrimination against Women information on efforts made to implement the updated Model Strategies and Practical Measures;

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[o] Available from www.un.org/esa/vawdatabase.

[p] United Nations, *Treaty Series*, vol. 2131, No. 20378.

(f) To cooperate with the International Criminal Court, ad hoc international criminal tribunals and other international criminal tribunals in the investigation and prosecution of the perpetrators of genocide, crimes against humanity and war crimes, particularly of those crimes involving gender-based violence, and to enable women who have been subjected to violence to give testimony and participate in all stages of the proceedings while protecting the safety, interests, identity and privacy of those women;

(g) To cooperate with and assist the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially in women and children, in performing their mandated tasks and duties by supplying all information requested and responding to the Special Rapporteurs' visits and communications.

XII. Follow-up activities

27. Member States, United Nations bodies, the institutes of the United Nations crime prevention and criminal justice programme network, other relevant international and regional organizations, research institutes, non-governmental organizations and professional organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To encourage the translation of the updated Model Strategies and Practical Measures into local languages and to ensure their wide dissemination and use in training and education programmes;

(b) To draw, as appropriate, on the updated Model Strategies and Practical Measures in the development of legislation, procedures, policies and practices in responding to violence against women;

(c) To assist States, upon request, in developing strategies and programmes to prevent violence against women and in reviewing and evaluating their criminal justice systems, including their criminal legislation, on the basis of the updated Model Strategies and Practical Measures;

(d) To support the technical cooperation activities of the institutes of the United Nations crime prevention and criminal justice programme network aimed at eliminating all forms of violence against women;

(e) To develop coordinated national, regional and subregional plans and programmes to implement the updated Model Strategies and Practical Measures;

(f) To design standard training programmes and manuals for police and criminal justice officials based on the updated Model Strategies and Practical Measures;

(g) To periodically monitor and review progress made at the national and international levels in terms of plans, programmes and initiatives to eliminate all forms of violence against women;

(h) To periodically review and update, if necessary, the updated Model Strategies and Practical Measures.